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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,548	10/24/2003	Yasuhide Hamada	032010	7496

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EXAMINER	
GLEITZ, RYAN M	

ART UNIT	PAPER NUMBER
2852	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/691,548	HAMADA ET AL.	
	Examiner	Art Unit	
	Ryan Gleitz	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) *10-25* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on 9 December 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,763,218 to Hamada et al. has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Echigo et al. (JP 08-160791).

Echigo et al. disclose a fixing roller (10), heating means (11) for allowing the outer peripheral surface of the fixing roller (10) to have a given temperature capable of performing a fixing operation; a pressing roller (20) in rotational contact with the fixing roller (10).

Pressure lever (23) and spring (26) form a biasing member for allowing the pressing roller (20) to be brought into press contact with the fixing roller (10) at a given pressure. The fixing roller (10) is disposed on the side of the sheet surface supporting the unfixed toner; the pressing roller (20) is disposed on the opposite side of the fixing roller with respect to the sheet.

Because of the angle of the guide grooves (30), the biasing member is adapted to apply a biasing force to the pressing roller in a direction intersecting with an axis connecting the respective center positions of the fixing roller and the pressing roller.

Regarding claim 2, the angle of the guide grooves is measured from figure 1 at about 25 degrees on the side of sheet feeding, which reads on an angle between 5 and 80 degrees on a sheet-feeding side.

Regarding claims 4 and 8, the fixing roller (10) is formed with TEFLON and the pressure roller (20) is formed from foaming silicon (paragraph [0007]), which reads on the fixing roller has a hard surface portion, and the pressing roller has an elastic surface portion.

Regarding claims 5 and 7, figure 1 illustrates a releasing means (no reference numeral) for releasing the sheet attached on the outer peripheral surface of the fixing roller (10) after passing through the rotational contact region, from the outer peripheral surface of the fixing roller (10), wherein the releasing means is disposed opposed to the outer peripheral surface of the fixing roller (10) in a non-contact manner.

Regarding claim 9, the heating means includes a heater (11) embedded in the fixing roller (10), and the heater (11) is operable to heat the outer peripheral surface of the fixing roller from the inside of the fixing roller (10).

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Moriya (JP 08-146800).

Moriya discloses a fixing roller (1), heating means (H), a pressing roller (2), and spring (6a) and arm (5) as a biasing member for allowing the pressing roller (2) to be brought into press

contact with said fixing roller (1) at a given pressure, wherein the fixing apparatus is operable to allow a sheet with a surface supporting an unfixed toner thereon to pass through the rotational contact region along one direction so as to fix the unfixed toner onto the sheet, the fixing apparatus being characterized in that: the fixing roller is disposed on the side of the sheet surface supporting the unfixed toner.

The pressing roller (2) is disposed on the opposite side of the fixing roller (1) with respect to the sheet; and the biasing member (6a) is adapted to apply a biasing force to the pressing roller (2) nearly vertical, which is in a direction intersecting with an axis connecting the respective center positions of the fixing roller and the pressing roller.

Regarding claim 3, figure 1 shows that the angle X being an axis connecting the respective centers of the fixing and pressing rollers, the Y being an axis along a direction in which the pressing roller is biased toward the fixing roller in the rotational contact region is between 5 and 80. Figure 2 shows that the angle is in the direction of a sheet-discharging side with respect to the axis X.

Claims 1-4 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by Hamada et al. (JP 2003-057981).

Hamada et al. disclose a fixing apparatus including a fixing roller (24); heating means (30), a pressing roller (26) in rotational contact with the fixing roller (24). In Figure 8, a biasing member (34) allows the pressing roller (26) to be brought into press contact with the fixing roller (24) at a given pressure, wherein the fixing apparatus is operable to allow a sheet with a surface supporting an unfixed toner thereon to pass through the rotational contact region along one

direction so as to fix the unfixed toner onto the sheet, the fixing apparatus being characterized in that: the fixing roller is disposed on the side of the sheet surface supporting the unfixed toner; the pressing roller is disposed on the opposite side of the fixing roller with respect to the sheet.

The biasing member (24) is adapted to apply a biasing force to the pressing roller in a direction intersecting with an axis connecting the respective center positions of the fixing roller and the pressing roller. See Figure 8.

Regarding claims 2 and 3, Table 1 shows examples of an angle defined between X and Y, the X being an axis connecting the respective centers of the fixing and pressing rollers, the Y being an axis along a direction in which the pressing roller is biased toward the fixing roller in the rotational contact region with values of +45 degrees and -45 degrees.

Regarding claim 4, the fixing roller (24) and/or the pressure roller (26) may have an elastic portion made of silicon rubber, and the other roller has a hard surface portion. See paragraphs [0025], [0031], [0034], and [0041].

Regarding claim 8, the pressure roller includes a core (26A), and the fixing roller includes a core (24A).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Echigo et al. (JP 08-160791) in view of Matsushige (JP 57-005073).

Echigo et al. disclose the fixing apparatus above but do not disclose a releasing means in contact with the outer peripheral surface of the fixing roller.

However, Matsushige does disclose a pawl (25a) as a releasing means in contact with the outer peripheral surface of the fixing roller to peel a sheet from the fixing roller.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the fixing apparatus of Echigo et al. with the pawl taught by Matsushige to peel a sheet from a fixing roller, and in doing so, protect the heating roller from damage by bringing the pawl in and out of contact with the roller. Abstract, lines 1-3.

Response to Arguments

Applicant's arguments filed 9 December 2005 (Response) have been fully considered but they are not persuasive.

Regarding Echigo et al., Applicant submits that figures 3 and 4 of Echigo et al. show only that the heating roller 10 and pressing roller 20 are biased so as to intersect each other such that an angle is defined between the central axis of pressing roller 20 and the central axis of the heating roller 10. Response, p. 5. Without conceding this characterization of one aspect of

Echigo et al. as shown in figures 3 and 4, another aspect of Echigo et al. is shown in figures 1 and 10-12 that shows a biasing member adapted to apply a biasing force to the pressing roller in a direction intersecting with an axis connecting the respective center position of the fixing and pressure rollers.

Further, even if the biasing force was not shown at an angle to the axis connecting the centers of the rollers, the reference would still read on a direction intersecting the axis because all directions intersect the axis connecting the centers of the rollers. In fact, any biased pressing roller would read on the biasing member adapted to apply a biasing force to the pressing roller in a direction intersecting with an axis connecting the centers of the rollers.

Further, even if the claim was limited to a biasing force at an angle to the axis connecting the centers of the rollers, the reference would need to show only a structure capable of doing so because of the intended use language, "adapted to," rather than a positive recitation. See MPEP 2114 and 2111.04.

Regarding Moriya, Applicant submits and extensive discussion of the reference based on the lack of a contact "point" in Moriya. Response. 6-8. First, the claims do not have the word "point." The term "point" does not appear in Applicant's entire disclosure. While a "point" may be implicit in the drawings or specification, the claims are interpreted only in light of the specification, and limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding Hamada et al., Applicant submits that even though the reference lists an inventor not included in the oath of the present application, the reference should still not be available under 35 USC 102(a) because a transliteration error must have been made in the JPO

when recording the inventors' names. Response, p. 9. Applicant has not provided sufficient evidence to show Hamada et al. is not "by another." This should be done by filing an affidavit or declaration under 37 CFR 1.132. Applicant is also reminded that the foreign priority papers may overcome this rejection if a translation of said papers is made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rg

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